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13 Attorneys for Defendant

14 GRANITE ROCK COMPANY

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN JOSE DIVISION

18  
19 LEOPOLDO PENA MENDOZA, ELVIZ  
20 SANCHEZ and JOSE ARMANDO CORTES,

21 Plaintiff,

22 v.

23 FONSECA MCELROY GRINDING CO.  
24 INC. an GRANITE ROCK COMPANY,

25 Defendants.

Case No: 15-CV-05143-WHO

**STIPULATION TO CONTINUE INITIAL  
CMC DUE TO COUNSEL'S  
UNAVAILABILITY**

1 Plaintiffs LEOPOLDO PENA MENDOZA, ELVIZ SANCHEZ and JOSE ARMANDO  
2 CORTES and Defendant GRANITE ROCK COMPANY through their attorneys of record  
3 hereby submit the following stipulation.

4 1. The Court set the Initial Case Management Conference for February 16,  
5 2016 at 2:00 p.m. Docket 12;

6 2. Plaintiffs' counsel Tomas E. Margain is unavailable that day as he  
7 scheduled and paid for a family vacation and will not return until February 18, 2016. The only  
8 other attorney in counsel's office, Huy Tran is not available and also not familiar with or  
9 involved in the case. Plaintiffs' counsel can appear by phone in the event the Court would like  
10 the Case Management Conference to continue as scheduled and would grant the request to  
11 appear by phone.; and

12 3. Counsel for the parties are available for a Case Management at 2:00 pm on  
13 the following Tuesdays: February 23, 2016 and March 6, 2016.

14 Dated: February 3, 2016

//s// Tomas E. Margain

15 TOMAS MARGAIN  
16 Counsel for Plaintiffs

17 Dated: February 3, 2016

//s// Paul V. Simpson

18 PAUL V. SIMPSON  
19 SIMPSON, GARRITY, INNES & JACUZZI  
20 Counsel for Defendant

21 **ORDER**

22 Based on GOOD CAUSE shown and upon the stipulation of the parties, the Court orders  
23 as follows:

24 The Case Management Conference set for February 16, 2016 at 2:00 pm in Courtroom 2,  
25 17<sup>th</sup> Floor, 450 Golden Gate is continued to 2/23/2016 in the same courtroom.

Dated: February 26, 2016

  
WILLIAM H. ORRICK

UNITED STATES DISTRICT COURT JUDGE